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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1643

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/623,813; Filed: July 22, 2003
For: ***De novo DNA Cytosine Methyltransferase Genes, Polypeptides and Uses Thereof***
Inventors: LI *et al.*
Our Ref: 0609.4560003/KRM/DJN

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply to Restriction Requirement; and
2. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Karen R. Markowicz
Agent for Applicants
Registration No. 36,351

KRM/DJN/jk
Enclosures

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LI *et al.*

Appl. No.: 10/623,813

Filed: July 22, 2003

For: ***De novo DNA Cytosine
Methyltransferase Genes,
Polypeptides and Uses Thereof***

Confirmation No.: 2332

Art Unit: 1643

Examiner: Harris, Alana M.

Atty. Docket: 0609.4560003/KRM/DJN

Reply to Restriction Requirement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated June 26, 2006, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the invention of Group XVII, which is represented by claims 38-42 and 45-49, and corresponds to part (b) of claim 38, *viz.*, a polynucleotide sequence encoding a polypeptide comprising amino acids from about 1 to about 689 in SEQ ID NO:86.¹ This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse.

Applicants respectfully request the Examiner to reconsider the claim grouping as now presented based on the following comments:

¹ Applicants election is based on the Examiner's statement on p. 2, lines 1-3 of the Office Action, that "Applicants are put on notice that each sequence, SEQ ID number and ATCC Deposit number reads on an independent and distinct invention and that is reflected in the following requirement."

Groups XVI and XVII are drawn to polynucleotides that encode mouse or human Dnmt3a2 polypeptide, respectively. Groups XXII and XXIII are drawn to polynucleotides contained in ATCC Deposits that encode mouse or human Dnmt3a2 polypeptide, respectively. Thus, at a minimum, Groups XVII and XXIII should be rejoined because they both correspond to polynucleotide sequences that encode the human Dnmt3a2 polypeptide. For the same reasons, Groups XVI and XXII should be rejoined because they both correspond to polynucleotide sequences that encode the mouse Dnmt3a2 polypeptide.

Moreover, Applicants further submit that it would not be undue to search both mouse and human Dnmt3a2 sequences together, as these sequences are homologs and exhibit very high identity, as indicated by the specification:

[a]n alignment of the human and murine cDNA sequences reveals strong similarity (Fig. 13E1-E4) except that human *DNMT3A2* contains an additional sequence of 68 bp in the 5'UTR, which is encoded by an extra exon located ~2.5 kb downstream of exon 7 (the newly identified exons are indicated by * in Fig. 12A). The predicted mouse Dnmt3a2 and human DNMT3A2 proteins, each consisting of 689 amino acids (Fig. 13B and D, respectively), show high sequence identity (Fig. 13F; 98.5%).

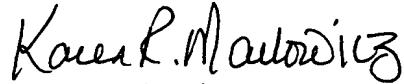
See specification, p. 90, paragraph [0269]. Thus, a search for polynucleotide sequences encoding human DNMT3A2 polypeptide would encompass a search for polynucleotide sequences encoding mouse Dnmt3a2. Accordingly, Applicants further respectfully request that Groups XVII and XXIII be rejoined with Groups XVI and XXII.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Karen R. Markowicz
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Date: July 26, 2006

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